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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

105th PLENARY SESSION
(Venice, 18-19 December 2015)

SYNOPSIS

The Commission

- Held an exchange of views with Mr Kristaq Traja, Chair of the High Level Expert Group on the Amendment of the Constitution of **Albania**, and Mr Enkelejd Alibeaj, expert of the Democratic Party, adopted the interim opinion on the draft constitutional amendments focusing on the judiciary of Albania, previously examined by the Sub-Commission on the judiciary on 17 December 2015, and was informed that a revised version of the amendments would soon be submitted to the Venice Commission with a view to the adoption of a final opinion at the March session;
- Held an exchange of views with Mr Nikola Prokopenko, representative of the Ministry of Justice, and adopted the opinion on the Legislation on the disciplining and dismissal of judges and their professional evaluation of “**the former Yugoslav Republic of Macedonia**”, previously examined by the Sub-Commission on the judiciary on 17 December 2015;
- Was informed that the adoption of the opinion on the draft law on freedom of religion of **Montenegro** had been postponed to the March session, since a revised draft was currently being prepared by the Montenegrin authorities;
- Was informed on progress of work on the draft law on the authority on good governance and the fight against corruption of **Tunisia**;
- Held an exchange of views with Ms Nataliia Novak, Member of Parliament, Chair of the Committee on Legal Policy and Justice, and with Mr Sergiy Petukhov, Deputy Minister of Justice, and adopted the joint interim opinion by the Venice Commission and the OSCE/ODIHR on the Law of **Ukraine** on the condemnation of the communist and Nazi totalitarian regimes, previously examined by the Sub-Commission on Fundamental Rights on 17 December 2015;
- Held an exchange of views with Mr Serhiy Holovaty, Adviser to the Speaker of Parliament, on the progress of constitutional reform in Ukraine;
- Took note of the Secretariat Memorandum on the compatibility of the draft law of Ukraine on amending the Constitution as to justice as submitted by the President to the Verkhovna Rada on 25 November 2015 with the Venice Commission’s opinion on the proposed Amendments to the Constitution of Ukraine regarding the Judiciary as approved by the Constitutional Commission on 4 September 2015;
- Adopted the summary report on **voters residing de facto abroad**, previously adopted by the Council for Democratic Elections on 17 December 2015;
- Endorsed the **Compilations** of Venice Commission opinions and reports on constitutional amendment and on thresholds in the electoral field;
- Was informed on **follow-up** to: the First Opinion on the draft amendments to the Constitution (Chapters 1 to 7 and 10) and the Second Opinion on the draft amendments to the Constitution (in particular to Chapters 8, 9, 11 to 16) of the Republic of **Armenia**; the Amicus Curiae Brief on the Compatibility with the non-Discrimination Principle of the Selection of the Republic Day of the Republika Srpska (**Bosnia and Herzegovina**); the Opinion on the draft Act to amend and supplement the Constitution (in the field of the judiciary) of the Republic of **Bulgaria**; the Opinion on the draft Law on the Constitutional Court of **Montenegro**; the Opinion on the draft Laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro; the Opinion on the draft institutional law on the Constitutional Court of **Tunisia**;

- Was informed on recent developments with respect to the **constitutional courts of Bosnia and Herzegovina, Croatia and Poland**, and asked its President to follow the situation closely, including by making, where appropriate, public statements in consultation with the Bureau in view of the importance of constitutional justice in a democratic state and the special role of the Venice Commission in promoting it in Europe and world-wide;
- Was informed on recent constitutional developments in **Japan**;
- Held an exchange of views with Mr Roberto Caldas, President-elect of the **Inter-American Court of Human Rights**;
- Held an exchange of views with Ms Astrid Thors, **OSCE High Commissioner on National Minorities**;
- Held an exchange of views with Mr Rafael Ribo, Chairman of the European Chapter of the **International Ombudsman Institute**;
- Adopted an **amendment to Article 17a of its Rules of Procedure** on the Scientific Council;
- Following the proposals made by the Committee of Wise Persons, **elected** for a term of two years:

Mr G. Buquicchio (Italy) as President;
Ms H. Suchocka (Poland) as First Vice-President;
Mr C. Grabenwarter (Austria) and Ms H. Kjerulf Thorgeirsdottir (Iceland) as Vice-Presidents;
Mr A. Endzins (Latvia), Mr G. Harutyunian (Armenia), Mr I-W. Kang (Republic of Korea) and Ms T. Khabrieva (Russian Federation), as members of the Bureau;

The Chairs of the Sub Commissions and Councils as follows:

Mr J. Helgesen (Norway) (Scientific Council)
Mr B. Vermeulen (Netherlands) (Fundamental Rights);
Ms R. Kiener (Switzerland) (Federal State and Regional State);
Ms V. Bilkova (Czech Republic) (International Law);
Mr J. Velaers (Belgium) (Protection of Minorities);
Mr N. Esanu (Republic of Moldova) (Judiciary);
Mr M. Frendo (Malta) (Democratic Institutions);
Mr R. Clayton (United Kingdom) (Working methods);
Mr J.J. Romero (Chile) (Latin America);
Mr G. Jeribi (Tunisia) (Mediterranean Basin);
Mr K. Tuori (Finland) (Rule of law)
Ms L. Err (Luxembourg) (Gender Equality)

The Co-Chair of the Joint Council on Constitutional Justice¹: Mr E. Tanchev (Bulgaria);

The Vice-President of the Council for Democratic Elections²: Mr O. Kask (Estonia);

The Vice-Chairs of the Sub Commissions and Councils (without representation on the Enlarged Bureau):

Mr O. Can (Turkey) Scientific Council

¹ The other Co-Chair is elected by the Liaison Officers.

² The current President is a member of the Congress of Local and Regional Authorities of the Council of Europe.

Mr N. Alivizatos (Greece) (Fundamental Rights);
Ms S. Cleveland (United States of America) (Federal State and Regional State);
Mr I. Cameron (Sweden) (International Law);
Mr Z.M. Knežević (Bosnia and Herzegovina) (Protection of Minorities);
Mr H. Gstöhl (Liechtenstein) (Judiciary);
Mr D. Meridor (Israel) (Democratic Institutions);
Mr R. Barrett (Ireland) (Working methods);
Mr E.R. Lewandowski (Brazil) (Latin America);
Mr D. Chagnollaud (Monaco) (Mediterranean Basin);
Mr W. Hoffmann-Riem (Germany) (Rule of law)
Ms J. Omejec (Croatia) (Gender Equality)

- Was informed that the Commission had received three **Awards for its electoral activities from the International Centre for Parliamentary Studies (ICPS)**;
- Was informed on the results and conclusions of the **Conference on “The Constitutional Protection of Vulnerable Groups: a Judicial Dialogue”** and the meeting of the **Sub-Commission on Latin America** which took place in Santiago, Chile on 4-5 December 2015;
- Was informed on the results and conclusions of the meeting of the **Council for Democratic Elections** on 17 December 2015;
- Was informed on the results and conclusions of the meeting of the Sub-Commission on the **Rule of Law**, and in particular on progress in the preparation of the “Rule of law checklist” to be submitted to the Plenary in March 2016;
- Was informed on the organisation of the **XI. Ibero-American Conference on Constitutional Justice**, to take place in Lima in June 2016;
- Was informed on the Conference on **Constitutional Reforms of the XXI. Century: New Horizons**, held in Moscow on 1-2 December 2015;
- Was informed on the activities of the **Association of former Venice Commission members and substitute members**;
- Held an exchange of views with representatives of the **Committee of Ministers**, of the **Parliamentary Assembly**, the **Congress of Local and Regional Authorities** and the Council of Europe **Development Bank**;
- Confirmed the dates of the **next Plenary Sessions** as follows: 11-12 March 2016; 10-11 June 2016; 14-15 October 2016; 9-10 December 2016.